IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 27TH JULY 2006 / 5TH SRAVANA 1928

Bail Appl..No. 4441 of 2006

AGAINST THE ORDER IN BA.2602/2006
(O.R.NO.1/2006 OF BEGUR FOREST RANGE, MANANTHAVADY, WAYANAD)

.....

ACCUSED

---

1. SRI.P.JAYAKUMAR,
   S/O.P.V.PAULOSE,AGED 42 YEARS,
   PUTHCTHU HOUSE, ONNUKAL P.O.,KUTTAMANGALAM VILLAGE
   KOTHAMANGALAM TALUK,
   ERNAKULAM DISTRICT.

2. SRI.BABU THOMAS,
   S/O.THOMAS,AGED 38 YEARS,
   PARIYANICKAL HOUSE,
   THARIODE P.O.,POZHUTHANA (VIA),VYTHIRI TALUK,
   WAYANAD.

3. SRI.C.A.PAPPACHAN,
   S/O.OUSEPH,AGED 61 YEARS,
   CHULLIYIL HOUSE,
   NEELESWARAM P.O.,KALADY VILLAGE,
   AWAYE TALUK,
   ERNAKULAM DISTRICT.

BY ADV. SRI.K.BALACHANDRAN (PN)

RESPONDENTS:

---

1. THE FOREST RANGE OFFICER,
   EBEGUR FOREST RANGE,
   MANANTHAVADY,
   WAYANAD.

2. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. ADV.SUSHEELA R BHATT,SPL.GP,FORESTS.
PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2006, ALONG WITH BA NO. 4437 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Crl.M.Appln.No. 4216/2006 in B.A.No.4441/2006

Dated this the 17th November, 2006.

O R D E R

An order was passed on 27.7.2006 directing the petitioners therein, to report before the Forest Range Officer, Begur Forest Range, Mananthavady, on 31.7.2006, between 10 and 11 a.m. The Forest Range Officer was directed to interrogate the petitioners, and thereafter, to produce them before the Judicial First Class Magistrate Court-II, Mananthavady. It is complained of by the petitioners that when Adv. Sri.K.Balachandran took the petitioners to the Forest Range Office, he was absent in the office. One of his staff have contacted him, as he was at Kalpetta. He came at about 1.40 p.m. Even thereafter he did not proceed with the order. Though the petitioners were taken to the Magistrate Court, no order was passed, as the procedure directed in the bail order was not complied with by the Forest Range Officer. Therefore, a petition was filed before this Court, and after hearing both sides, an order was passed directing them to appear before the court below, and orders passed thereafter.

The present application is filed by the petitioners to direct the respondents not to arrest the petitioners, and also for further appropriate orders.

2. When the copy of the application was served, the first respondent, P.M.Venugopal, the Forest Range Officer of Periyar Forest Range, Mananthavady, has filed an affidavit, denying the averments contained in the affidavit filed by the petitioners. Basing on the reply affidavit filed by the petitioners, a re-joinder affidavit was also filed. Petitioners have urged that the call records in relation to the Mobile Phone No.9447482169, used by the staff, may be called from the Mobile Service Centre of BSNL, Vigilance Office, Thiruvananthapuram. Thereafter, the petitioners had filed another affidavit, tendering an unconditional apology for the inconvenience caused to the Court, and praying to drop all the proceedings, that has been initiated at the instance of the petitioners, after recording the apology tendered by the petitioner.

3. I heard the arguments advanced by the learned counsel, Sri.K.Balachandran, and also the Special Government Pleader, Forests, Smt.Susheela.R.Bhat.

4. In view of the apology tendered by the Forest Range Officer, Periyar Forest Range, who was formerly at Begur Forest Range, Manathavady, is recorded, and all further proceedings in this matter is dropped. Accordingly, this application is closed.

J.M. JAMES,
JUDGE

nj.